UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,179	12/18/2001	Paul Moroney	018926-003800US	7535

20350 7590 10/22/2007	EXAMINER
TOWNSEND AND TOWNSEND AND CREW, LLP	POLTORAK, PIOTR
TWO EMBARCADERO CENTER	

	ART UNIT	PAPER NUMBER
EIGHTH FLOOR	2134	
SAN FRANCISCO, CA 94111-3834		

MAIL DATE	DELIVERY MODE
10/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. The Amendment, and remarks therein, received on 3/28/07 have been entered and carefully considered.

Response to Amendment

2. Applicant's amendment has been carefully considered.

3. As per claim 1-22, applicant argues that Carswell in view of Atkinson, fail to disclose: "a dual processor device that includes a host processor coupled to a secure processor where the secure processor decrypts the message and authenticates the message". In other words, it appears that applicant argues that since a secure processor does not explicitly teach authentication in Carswell in view of Atkinson's invention, these combined references are inadequate for applicant's claims.

4. The examiner carefully considered applicant's arguments but did not find them persuasive. The examiner points out that the three main areas of security in computing are: confidentiality, integrity and availability (e.g. Pfleeger, "Security Goals", pg. 4-5). Carswell aims to address the confidentiality while encrypting communicated messages. Atkinson extends confidentiality with integrity and availability. Authenticating messages via an authentication calculation (so as to determine whether the message is authentic) in Atkinson' inventions is implemented by utilizing an authentication certificate (authentication certificate, Carswell's invention utilizes a host processor and a secure processor. The secure processor decrypts and sends data to a host processor, and (Atkinson, col. 2 line 61- col. 3 line 4) and an ordinary artisan would readily recognize (as also shown by Atkinson in

col. 2 line 33- col. 3 line 24) that authentication of certificates requires encryption

capability, which is exactly what the secure processor offers.

Thus, combination of Carswell and Atkinson would have been obvious to one of

ordinary skill in the art at the time of applicant's invention given the benefit of

providing authenticity and integrity of the received messages.

5. Although Atkinson does not explicitly disclose permitting transfer of the decrypted

message to the host processor if the message is authentic, and not permitting

transfer of the decrypted message if the message is not authentic, such an

implementation would have been at least obvious if not implicit. As clearly

suggested by Atkinson, certification aims to minimize risk of contracting a computer

viruses or other malicious executable messages (Atkinson, Abstract, col. 2 lines 50-

52, etc.). Processing a suspicious executable by a host processor would

immediately jeopardize the integrity and availability of the dual processor system.

Thus, it would have been obvious to one of ordinary skill in the art at the time of

applicant's invention not to transfer the decrypted message to the host processor

given the benefit of the preventive security.

6. Claims 1-22 have been examined.

The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office Action.

Claim Rejections - 35 USC § 103

7. Claims 1-5, 9-22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

    Carswell et al. (U.S. Patent No. 5365591) in view of Atkinson (U.S. Patent No.

    5892904).

    As per claims 1-2, 5, 9-11, 15-19 and 22 Carswell et.al. teach a method and

    apparatus for performing authentication of messages in a dual processor device

    comprising receiving an encrypted message at the dual processor device (col. 2

    lines 39-41 and lines 53-56) using a secure processor (crypto processor) of the dual

    processor device to decrypt the message (col. 1 lines 52-55), receiving the

    encrypted message at a cable telephony adapter (modem, Fig. 1 and col. 2 lines 46-

    54), coupling cable telephony adapters (that includes the cable telephony adapter)

    with a telephony network (Fig. 1); coupling the cable telephony adapters with user

    computers (Fig. 1 and col. 2 lines 46-48 and 56-58), establishing a communication

    between the user computer and the second user computer via the telephony adapter

    and the second cable telephony adapter (Fig. 1 and col. 2 lines 46-58), transmitting

    and receiving clear text to the user computer (col. 2 lines 46-58).

8. Carswell et al. do not teach authenticating of the message via an authentication

    calculation that utilizes an authentication certificate, so as to determine whether the

    message is authentic is said message is authentic, transferring the decrypted

    message to the host processor for use by the host processor, and if the message is

    not authentic, not transferring the decrypted message to the host processor,

    However, the three main areas of security in computing are: confidentiality, integrity

    and availability (e.g. Pfleeger, "Security Goals", pg. 4-5). Carswell aims to address

the confidentiality while encrypting communicated messages. Atkinson extends

confidentiality with integrity and availability. Authenticating messages via an

authentication calculation (so as to determine whether the message is authentic) in

Atkinson' inventions is implemented by utilizing an authentication certificate

(authentication certificate, Carswell's invention utilizes a host processor and a

secure processor. The secure processor decrypts and sends data to a host

processor, and (Atkinson, col. 2 line 61- col. 3 line 4) and an ordinary artisan would

readily recognize (as also shown by Atkinson in col. 2 line 33- col. 3 line 24) that

authentication of certificates requires encryption capability, which is exactly what the

secure processor offers.

Thus, combination of Carswell and Atkinson would have been obvious to one of

ordinary skill in the art at the time of applicant's invention given the benefit of

providing authenticity and integrity of the received messages.

9. Although Atkinson does not explicitly disclose permitting transfer of the decrypted

message to the host processor if the message is authentic, and not permitting

transfer of the decrypted message if the message is not authentic, such an

implementation would have been at least obvious if not implicit. As clearly

suggested by Atkinson, certification aims to minimize risk of contracting a computer

viruses or other malicious executable messages (Atkinson, Abstract, col. 2 lines 50-

52, etc.). Processing a suspicious executable by a host processor would

immediately jeopardize the integrity and availability of the dual processor system.

Thus, it would have been obvious to one of ordinary skill in the art at the time of

applicant's invention not to transfer the decrypted message to the host processor

given the benefit of the preventive security.

10. As per claims 12-14 in authentication of certificates (including the disclosed by art of

record the Verisign certificates) a certified public key is utilized to verify a signature.

11. As per claims 3-4 and 20 Carswell et al. and Atkinson do not explicitly teach

coupling cable telephony adapters with gateway controllers.

Official Notice is taken that coupling using gateway controllers (switches) to service

devices in order to service requests from customers of telephony systems is old and

well-established in the art (e.g. Miller et al., Fig. 1, Stallings, pg. 231-237). Thus, it

would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to couple (incorporate) gateway controllers with (to service) the cable

telephony adapters. One of ordinary skill in the art would have been motivated to

perform such a modification in order to provide digital path between the devices of

customers utilizing cable telephony adapters and other remote entities.

12. Claims 6-8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Carswell et al. (U.S. Patent No. 5365591) in view of Atkinson (U.S. Patent No.

5892904) and further in view of Miller et al. (U.S. Patent No. 5402474).

The teaching of Carswell et al. in view of Atkinson was discussed supra.

13. Carswell et al. and Atkinson do not teach coupling a provisioning server, a billing

host and a customer service representative center with the cable telephony network.

Miller et al. discloses a customer service representative center (Miller et al., Fig. 1)

coupled with a cable telephony network. The customer service representative

center includes a billing host and a provisioning server (archive server).

It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to include the customer service representative center including a billing

host and a provisioning server as taught by Miller et al. into Carswell et al. in view of

Atkinson invention. One of ordinary skill in the art would have been motivated to

perform such a modification in order to provide competitive advantage (Miller et al.,

col. 1 lines 26-30 and col. 3 lines 35-37), gather billing, auditing and system

management information (Miller et al., col. 5 lines 3-9).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/16/07

KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER